

Vestigia Veritatis:
OR, THE
CONTROVERSY

Relating to the

A C T
OF THE
Thirty Fifth of Elizabeth,

(ENTITULED,

An Act to retain the Queens Majesties Subjects in their Due Obedience,)

TRULY STATED:

CONTAINING

The Act it self, with the Acts of the 16th and 22^d of his present Majesty against *CONVENTICLES*, at large:

All the Clauses of every of the Acts since the 35th Eliz. that have any Relation to it.

The Report in *Hutton*, Shewing the Resolution of the Judges upon the said Statute, With some other material Clauses taken out of *Brooke*, *Coke* and *Hobart*, Concerning what makes a Session of Parliament.

Collected and thus Printed for the more convenient Ease of those that would have their Judgments rightly informed in this Point, and to rectifie what Errours and mistakes have been made in Two late Pamphlets, *Viz. The History of the Life and Death of the 35th Eliz.* And the *Death, Burial and Resurrection of the said Act.*

Leaving it to the Opinion of all unbyassed Persons upon the Serious Perusal and Consideration hereof, Whether the said Statute be yet in force or not; With due respect had to the mention of it in the *London-Gazett* of the 21 April, 1681.

LONDON, Printed for Richard Janeway, 1681.

WESTERN VENTURES

INCORPORATED

NEW YORK

IN AN ATTEMPT TO OBTAIN A
FRANCHISE IN THE DISTRICT OF COLUMBIA

THEY STATED

THAT THEY WERE THE ASSOCIATES OF THE
FEDERAL GOVERNMENT IN THE
CONSTRUCTION OF THE CANAL AND
THE RAILROAD OF THE DISTRICT OF COLUMBIA

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VESTIGIA VERITATIS, &c.

An Act to retain the Queens Majesties Subjects in their due obedience.

FOR the preventing and avoiding of such great inconveniences and perils as might happen and grow by the wicked and dangerous practices of Seditious Sectaries and disloyal persons, Be it enacted by the Queens most excellent Majesty and by the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the authority of the same, That if any person or persons above the age of 16 years which shall obstinately refuse to repair to some Church, Chappel, or usual place of Common Prayer, to hear Divine Service established by her Majesties Laws and Statutes, in that behalf made, and shall forbear to do the same by the space of a Month next after, without lawful Cause, shall at any time after 40 days next after the end of this Session of Parliament by Printing, Writing, or Express Words or Speeches advisedly and purposely practise or go about to move, or persuade any of her Majesties Subjects or any other within her Highness Realms or Dominions, to deny, withstand, and impugn her Majesties Power and Authority in Causes Ecclesiastical united and annexed to the Imperial Crown of this Realm, or to that end or purpose shall advisedly or maliciously move or persuade any other Person whatsoever to forbear or abstain from coming to Church to hear Divine Service or to receive the Communion according to her Majesties Laws and Statutes aforesaid, or to come to or to be present at any unlawful Assemblies, Conventicles, or Meetings; under colour or pretence of any Exercise of Religion, contrary to her Majesties said Laws and Statutes, or if any person or persons which shall obstinately refuse to repair to some Church, Chappel, or usual place of Common Prayer, and shall forbear by the space of a Month to hear Divine Service as is aforesaid, shall after the said forty days either of him or themselves or by the motion, persuasion, entertainment or allurement of any other, willingly joyn in or be present at any such Assemblies, Conventicles or Meetings, under colour or pretence of any such Exercise of Religion contrary to the Laws and Statutes of this Realm as is aforesaid; That then every such person so offending as aforesaid, and being thereof lawfully convicted, shall be committed to prison, there to remain without Bayl or Mainprize, until they shall conform and yield themselves to come to some Church, Chappel or usual place of Common Prayer and hear Divine Service, according to her Majesties Laws and Statutes aforesaid, and to make such open Submission and Declaration of their said Conformity as hereafter in this Act is declared and appointed.

Provided always and be it further enacted by the authority aforesaid, that if any such person or persons which shall offend against this Act as aforesaid, shall not within three Months next after they shall be convicted for their said offence, conform themselves to the obedience of the Laws and Statutes of this Realm in coming to the Church to hear Divine Service, and in making such Publick Confession and Submission as hereafter in this Act is appointed and expressed, being thereunto required by the Bishop of the Diocese or any Justice of the Peace of the County where the same person shall happen to be, or by the Minister or Curate of the Parish, that in every such case every such offender being thereunto warned & required by any Justice of the Peace of the same County where such Offenders shall then be, shall upon his and their corporal Oath before the Justices of the Peace in

Raft. Stat. vol. 2. c. 1. fo. 397.

This Parliament began the 19 of February, in the 35th of the Queen, and was dissolved the 10th of April following.

Abjure.

the open-Quarter Sessions of the same County, or at the Assizes and Gaol-delivery of the same County before the Justices of the same Assizes and Gaol-delivery, Abjure this Realm of England and all other the Queens Majesties Dominions for ever, unless her Majesty shall licence the party to return; And thereupon shall depart out of this Realm, at such Haven or Port, and within such time as shall in that behalf be assigned and appointed by the said Justices before whom such abjuration shall be made, unless the same offender be letted or stayed by such lawful and reasonable means or causes as by the Common Laws of this Realm are permitted and allowed in cases of abjuration for Felony. And in such Cases of let or stay, then within such reasonable and convenient time after as the Common Law requireth in case of abjuration for felony as is aforesaid. And that the Justices of Peace before whom any such abjuration shall happen to be made as is aforesaid, shall cause the same presently to be entred of Record before them, and shall certify the same to the Justices of Assizes and Gaol-delivery of the said County, at the next Assizes or Gaol-delivery to be holden in the same County. And if any such offenders which by the tenour and intent of this Act is to be abjured as is aforesaid, shall refuse to make such abjuration as is aforesaid, or after such abjuration made, shall not go to such Haven and within such time as is before appointed, and from thence depart out of this Realm according to this present Act, or after such his departure shall return or come again into any her Majesties Realms or Dominions without her Majesties special licence in that behalf first had and obtained: That then in every such Case the person so offending shall be adjudged a Felon, and shall suffer as in case of Felony without benefit of Clergy.

And furthermore be it enacted by the Authority of this present Parliament. That if any Person or Persons that shall at any time hereafter, offend against this Act, shall before he or they be so warned or required to make abjuration according to the Tenour of this Act, repair to some Parish Church on some Sunday or other Festival day, and then and there hear Divine Service, and at the Service time before the Sermon, or reading of the Gospel, make Publick and open Submission and Declaration of his and their Conformity to her Majesties Laws and Statutes as hereafter in this Act is declared and appointed; that then the same offender shall thereupon be clearly discharged of and from all and every the Penalties and Punishments inflicted or imposed by this Act for any of the Offences aforesaid. The same Submission to be made as hereafter followeth, That is to say:

The form of
the Submission.

I. A. B. Do humbly confesse and acknowledg, that I have greivously offended God in contemning her Majesties Godly and Lawfull Government and Authority, by absenting my self from Church, and from hearing Divine Service, contrary to the Godly Laws and Statutes of this Realm, and in using and frequenting disordered and unlawful Conventicles and Assemblies, under pretence and colour of exercise of Religion; And I am heartily Sorry for the same, and do acknowledg and testifie in my Conscience that no other Person hath or ought to have any Power or Authority over her Majesty. And I do Promise and protest without any dissimulation or any colour or means of any dispensation, that from henceforth I will from time to time obey and perform her Majesties Laws and Statutes, in repairing to the Church and hearing Divine Service, and do mine uttermost endeavour to maintain and defend the same.

And that every Minister or Curate of every Parish where such Submission and Declaration of Conformity shall hereafter be so made by any such Offender as aforesaid, shall presently enter the same into a Book to be kept in every Parish for that purpose, and within ten days next following, shall certify the same in Writing to the Bishop of the said Dioceses.

Provided nevertheless, that if any such Offender after such Submission made as is aforesaid, shall afterwards fall into Relapse, or estoons, obstinately refuse to repair to some Church, Chappel, or usual place of Common Prayer, to hear Divine Service, and shall forbear the same as aforesaid, or shall come and be present at any such Assemblies, Conventicles, and meetings, under colour or pretence of any Exercise of Religion, contrary to her Majesties Laws and Statutes. That then every such Offender shall lose all such benefit as he or she might otherwise by vertue of this Act, have or enjoy by reason of their said Submission, and shall thereupon stand and remain in such plight, condition and

and degree to all intents, as though such Submission had never been made.

And for that every Person having House and Family, is in duty bounden to have special regard of the good Government and ordering of the same; Be it enacted by the Authority aforesaid, that if any Person or Persons shall at any time hereafter, relieve, maintain, retain or keep in his or their House or otherwise, any person which shall obstinately refuse to come to some Church, Chappel, or usual place of Common Prayer to hear Divine Service, and shall forbear the same by the space of a Month together, contrary to the Laws and Statutes of this Realm, that then every Person which shall so relieve, maintain, retain, or keep any such Person offending as aforesaid, after notice thereof to him or them given by the Ordinary of the Diocess, or any Justices of the Assizes of the Circuit, or any Justice of Peace of the County, or the Minister, Curate, or Church-wardens of the Parish where such person shall then be, or by any of them, shall forfeit to the Queens Majesty for every person so relieved, maintained, retained or kept after such notice as aforesaid, Ten Pounds for every Month, that he or they shall so relieve, maintain, retain or keep any such person so offending.

Provided nevertheless, that this Act shall not in any wise extend to Punish or impeach any Person or Persons for relieving, maintaining, or keeping his or their Wife, Father, Mother, Child or Children, Wardes, Brother or Sister, or his Wives Father or Mother, not having any certain place of Habitation of their own, or the Husbands or Wives of any of them, or for relieving, maintaining, or keeping any such person as shall be Committed by Authority to the Custody of any by whom they shall be so relieved, maintained or kept, any thing in this Act contained to the contrary notwithstanding.

And for the more speedy levying and recovering for and by the Queens Majesty of all and Singular the Pains, Duties, Forfeitures and Payments, which at any time hereafter shall accrue, grow or be payable by vertue of this Act, or of the Statutes made in the 23th year of her Majesties Reign concerning Recusants: Be it Enacted by the Authority aforesaid, that all and every the said Pains, Duties, Forfeitures, and Payments, shall and may be recovered and levied to her Majesties use, by Action of Debt, Bill, Plaint, Information, or otherwise in any of the Courts commonly called Kings Bench, Common Pleas, or Exchequer; in such sort and in all respects as by the ordinary Course of the Common Laws of this Realm, any other Debt due by any such Person in any other Case should or may be recovered or levied wherein no essoign, Protection or Wager of Law shall be admitted or allowed.

Provided always that the Third Part of the Penalties to be had or received by vertue of this Act, shall be employed and bestowed to such good and charitable uses, and in such manner and form as is limited and appointed in the Statute made in the 28th year of her Majesties Reign touching Recusants.

Provided also that no Popish Recusant or Feme-covert shall be compelled or bound to abjure by vertue of this Act.

Provided also that every person that shall Abjure by force of this Act, or refuse to Abjure being thereunto required as aforesaid, shall forfeit and lose to her Majesty all his Goods and Chattels forever, and shall further lose all his Lands Tenements and Hereditaments, for and during the life of such offender and no longer; And that the Wife of any offender by force of this Act shall not lose her Dower; Nor that any Corruption of Blood shall grow or be by reason of any offence mentioned in this Act; But that the heir of every such offender by force of this Act shall and may after the Death of every offender have and enjoy the Lands, Tenements and Hereditaments of such offender, as if this Act had not been made. And this Act to continue no longer than the end of the next Session of Parliament.

Anno 39 Eliz. cap. 18.

*An Act for the reviving, continuance, explanation, perfecting and repealing of divers Statutes.
And amongst others it is there thus expressed, viz.*

39 Eliz. c. 18.

ANd wherein the Parliament holden at Westminster the 19. day of February in the 35th year of the Queens Majesties Reign that now is, there was an Act made, Intituled, *An Act to retain the Queens Majesties Subjects in their due Obedience; Be it enacted by the Authority of this present Parliament that this Act (viz. 35 of Eliz.) as well as the other there recited Statutes and Acts, shall be by Authority of this present Parliament revived, continued, and endure in force and effect until the end of the next Parliament next ensuing.*

43. Eliz. c. 9.
Sect. 18.

Sect. 27.

King James
began his
Reign Anno
1602 March
the 24th.
1. Jacobi. ca. 25.
Sect. 13. and
24.

Sessio. 2.
3. Jacobi.3. Session.
4. Jacobi.4. Session.
7 Jacobi.

The next Parliament was begun and holden at Westminster the 27th day of October in the 43th of Eliz. and there continued until the Dissolution thereof, being the 19th of December next following, Anno 1601. And there in the 9th Chapter, Sect. 18. this 35 Eliz. is again continued by the Statute Intituled, *An Act for continuance of divers Statutes, and for repeal of some others.* As the 27. Sect. of the said Act does make to appear. The words are these, *Be it enacted by the Authority of this present Parliament, that the same shall be continued and remain in force until the end of the first Session of the next Parliament.*

At the Parliament begun and holden at Westminster the 19th day of March, the first year of King James, and there continued until the 7th of July, Anno 1604 and then prorogued until the 7th of February next following, which ended that Session.

In the 25th Chapter Intituled, *An Act for continuing and reviving of divers Statutes, and for repealing of some others,* in Sect. the 13th and the 24th this 35 Eliz. and among divers Acts, is again continued in these words, *viz. Shall be continued and remain in force until the end of the first Session of the next Parliament.*

At the Second Session of Parliament begun and holden by Prorogation at Westminster, the 5th day of November, in the Third year of King James, and there continued until the 27th of May, and from thence Prorogued till the 18th of November next following, there is no mention at all made of any continuance of this 35 Eliz.

Neither was there any mention made of this said 35 Eliz. at the next Session of the said Parliament, begun and holden at Westminster, by Prorogation the 18th day of November, in the 4th year of King James, which Session ended the 4th of July, Anno 1607. and then was Prorogued until the 16th day of November next following.

Nor during all the Fourth Session of the said Parliament, begun and holden by Prorogation at Westminster, the 19th day of February, in the 7th of King James, and there continued until the 23th day of July, (and then Prorogued until the 16th day of October next following. Anno 1610.) was there any the least mention of a continuance of this said 35 Elizabeth.

The Vacation after *Hil. 20 Jac.*

M*emorand.* That on Monday the 17th of February at Serjeants-Inn, upon the Assembly of all the Justices to take Consideration upon the Statute of 35 *Eliz. c. 1.* for the Abjuration of *Sectaries*; the Attorney-General and Serjeant *Crew* being there, after the perusal of the Statute, and the continuances thereof, it was first upon debate considered, Whether this Statute was in force or discontinued, and upon the perusal of the Proviso in the Statute of Subsidy, and upon reasoning the matter, these Points were resolved.

Huttons Repi
fol. 61.

Resolutions
upon the Sta-
tute of 35 *Eliz.*
c. 1. concern-
ing *Sectaries*.

1. If a Parliament be Assembled, and divers Orders made, and a Writ of Error brought, and a Record delivered to the higher House, and divers Bills agreed, but no Bills Signed; That this is but a Convention, and no Parliament or Session; as it was *Anno 12 Jac.* in which (as it was affirmed by them which had seen the Roll) it is entred that it is not any Session; or Parliament, because that no Bill was signed, *vide 33. H. 6. Brook Parliament. 86.* Every Session in which the King signs Bills is a Parliament.

What shall be
said a Session
of Parliament,

2. It was agreed, that if divers Statutes be continued until the next Parliament or next Session, and there is a Parliament or a Session and nothing done therein as to continuance, all the said Statutes are discontinued and gone. And then it was moved whether this Statute was discontinued, and *seriatim*, *Jones*, *Chamberlain*, *Hutton*, *Denham*, *Haughton*, *Dodderidge*, *Winch* and *Bromley* declared their Opinions, that this Statute is discontinued, and that the statute of Subsidy is a Parliament, and that every Parliament is a Session, but not *e converso*, for one Parliament may have divers Sessions as the Parliament 1 *Jac.* had four, and ended 7 *Jac. vide 33. H. 6. Bro. Parl. 86.* and that this Proviso is not to any other purpose but to continue their proceedings in the same estate as if this Act had not been made, and if this Proviso had not been, then this statute had been discontinued by this Act of subsidy, but when this ends and is determined, then is the Session ended, then it is a session, *scil.* a Parliament, which ought to be pleaded, at the Parliament holden, &c. and all the Commissions of subsidy are accordingly and the proviso call it a session; Then this being done, the Lord Chief Baron did not deliver any Opinion, for he said, that he had not considered the statute, and afterwards it was desired that the Lords would

This Statute
was *Anno 18*
Jacobi, and
Printed, but
is not in any
of the Statute
Books.

would deliver their Opinions, and thereupon the Lord *Hobart* declared his Opinion accordingly, That it seemed to him that it was a Session, and that it was not safe to meddle with such Law; and that he would never refuse to declare his Opinion with his Brethren. After the Lord Chief Justice *Ley* made a long discourse concerning the purpose and intent of Parliament, *Scilicet*, That it was not their purpose to destroy so good Laws, and therefore it was not any such Session, as was within the intent of the preceding Parliament, which was, that these should determine when it is a Parliament or Session, in which good Laws are made.

And *Doderidge* said, that it was fit to see the Commission, and that that which hath been said, was not to bind any one, but every one spoke what then he was advised of, and peradventure might change upon better consideration. And afterwards, upon *Tuesday* on an Assembly of the two Chief Justices, the Chief Baron, Justice *Haughton*, Baron *Denham*, *Hutton*, Chamberlain, and *Jones* the Attorney General brought the Commission de 12 *Eliz.* June 1. and that had these words; *Pro eo quod nullus Regalis assensus, nec responsio per nos Præstat. fuit nullum Parliamentum nec aliqua Sessio Parliamenti lata aut tent. fuit.* They have power to adjourn this Parliament thus begun, and the Commission to Dissolve this Parliament 28 *Feb. Anno. 19 Jac.* had the same words, saving that he recite that he had given his Royal assent to an Act of Subsidy, by which was intended, that it should not be a Session; and upon view of the Commission, the Lord Chief Justice moved that the King was mistaken in this, that he had given Power to Dissolve this Parliament, which had not any Session, and if it be a Session, then he had no power to Dissolve it, and then it is as it were a recess, and a Parliament cannot be discontinued or dissolved, but by matter of Record, and that by the King alone; and if the Parliament yet continue, then this Statute also continue during the Parliament by the Proviso; but that would not serve: For first it is against the intent of the King, and against his Proclamation: And also the Case is truly put in the Commission, as to the matter in Fact; and he is not misinformed, but mistaken in the Law, and then the Commission for the Dissolving is good, semblable to the Lord *Chandois* Case, and other Cases, *vide* in *Cholmley's* Case; but because that all the Judges were not at this Conference, therefore it was deferred until the next term; and in the interim the Grand Secretary and the Attorney General were to inform the King, that the Statute is obscure, and had not been put in ure, and that we could not agree.

si divers Sessions sont in un mesme Parlement & le Roy ne signe bille tanque al darren, la tout nest que un mesme jour, & tout avera relation al primer jour del primer Session & le primer jour & le darren jour nest que un mesme Parlement & un mesme jour in ley, nisi special mention soit fait in l'Act quant ceo prendra force; mes chescun Session in que le Roy signe les Billes est un jour a per lui, & un Parlement a per luy & navera au-
ter relation, mes a mesme le Session: quad nota diversitatem (33.H.8.) Bro. Tit. Parl. Fol. 119. b. num. 86. That is in English, if there be divers Sessions in one and the same Parliament, and the King Signeth no Bill until the last day, there all is but one and the same day, and all shall have relation to the first day of the first Session, and the first day and the last day is but one and the same Parliament, and one and the same day in Law, unless there be special mention made in the Act when that shall take its force; but every Session wherein the King Signeth any Bills, is a day by it self, and a Parliament by it self, and shall have no other relation but to the same Session; wherein note the diversity 33. H. 8.

When a Parliament is called and doth sit, and is Dissolved without any Act of Parliament passed, or Judgment given, it is no Session of Parliament, but a Con-
vention, Coke 4. Inst. fo. 28. vide alio 2. Bulstr. fo. 237.

In *Hobart's Rep. p. 78.* It is *St. John's Case*, there was an Action brought on the Statute 21. H. 6. for not returning one *Burges*, &c. And there it is said, the Par-
 liament was as none, because there was no Act nor Record of it. Saint-John
versus Saint-
John.

And in p. 111. *Hobart* says, the 12 *Jacobi* (which if you be judged by the Jour-
 nal, was a large, and well occupied Parliament) because no Act Passed, nor Record
 is of it, was resolved by all the Judges to be no Parliament.

And now we are come to the Parliament begun and holden at *Westminster*, the
 19 of February, in the 21 Year of King *James*, which was there continued until
 the 29 day of May following, and then Prorogued to the second day of November,
 Anno 1624. and there, in the 28 Chapter, is an Act Intituled, *An Act for conti-
 nuing and reviving of divers Statutes, and Repeal of divers others.* wherein are these
 words, viz. And so much of one Act made in the 35 Year of the Reign of
 the said late Q. Elizabeth, Intituled, *An Act to retain the Queens Maje-
 sties Subjects in their due Obedience, as hath not been since Repeal-
 ed by any other Statute* (and the other 57 Statutes which are there mention-
 ed) shall, by vertue of this Act be judged ever since the Session of Parliament in the 7th.
 Year of His Majesties Reign of England to have been of such force and effect as the same
 were the last day of that Session, and from thenceforth until the end of the first Session of
 the next Parliament. 21 Jac. c. 28.

58 Statutes in
this Act revi-
ved and conti-
nued.

1 Car. 1. cap. 7.
This Session of
Parliament

(by reason of
the increase of
the Sickness
and other in-
conveniences
of the Season
requiring a
speedy Ad-
journment ne-
vertheless)
shall not de-
termine by
His Majesties
Royal Assent
to this & some
At other Acts.

Well, in the next Parliament begun and holden at *Westminster* the 18 day of
 June, Anno 1625. in the first Year of King *Charles* the 1. and there continued un-
 til the 11th. day of July following, and then Adjourned until the first day of Au-
 gust following unto Oxford, several Acts Passed, and by a special Bill then Past,
 It was Enacted as followeth, (it is the 7th Chapter in *Keeble*) viz. And all Sta-
 tutes and Acts of Parliament which are to have continuance unto the end of this present
 Session shall be of full force after the said Adjournment, until this present Session be fully
 ended and determined, and if this Session shall determine by Dissolution of this present Par-
 liament, then all the Acts aforesaid, shall be continued until the end of the first Session of
 the next Parliament.

At the next Parliament begun and holden at Westminster the 17th day of March, Anno 1627. in the 3d Year of King Charles the 1. there is an Act in the Fourth Chapter, Intituled, *An Act for repeal and continuance of divers Statutes*, among which in the 21 Section this 35 Eliz. is mentioned thus, viz. *And so much of one Act made in the 35 Year of the Reign of the late Q. Eliz. Intituled an Act to retain the Queens Majesties Subjects in their due Obedience, as hath not been since Repealed by any other Statute*; and in the 22d Section it Enacts, that this 35 of Eliz., by virtue of this Act shall be and continue until the end of the first Session of the next Parliament, holden in the first Year of the Reign of our Sovereign Lord the King that now is.

* in his History of the Life and Death of the 35. Eliz. c. 1.

From that 3d Year unto the 16 there is no mention made (* as the Observer has truly Remark'd) of any thing relating to the 35. Eliz. But in the 16 (at the Parliament begun at Westminster the 3d day of November, Anno 1640. c. 4.) it is Enacted as followeth, viz.

An. 16. Car. 1. cap. 4.

And be it Enacted by the Authority aforesaid, that the Passing of this present Act, or of any other Act or Acts, or His Majesties Royal Assent to them or any of them in this present Session of Parliament, shall not be any determination of the said Session, and that all Statutes and Acts of Parliament which have their continuance, or were by an Act of Parliament made in the 3d Year of the Reign of His Majestie that now is, Intituled, *An Act for the Continuance and Repeal of divers Statutes continued until the end of the first Session of the then next Parliament*, shall, by virtue of this Act be adjudged ever since the Session of Parliament in the said Third Year to have been of such force and effect as the same were the last day of that Session, and from thenceforth until some other Act of Parliament be made, touching the continuance or discontinuance of the said Statutes and Acts in the said Act of the Third Year of His Majesties Reign continued, as aforesaid.

An. 16. Car. 2. This 35. Eliz. c. 1. was continued, but that Act (it seems) is since expired.

And from this Statute we find nothing of the 35 Eliz. cap. 1. till we come to the 16 of his now Majesty, and that Act I have recited here at large, as followeth, Viz.

Keeble Sta. fo. 1293. c. 4.

An Act to Suppress Seditious Conventicles.

35. Eliz. c. 1. declared to be in force. Statutes are of two sorts. Those that are Introductory of a New, and those that are declaratory of an old Law. Further remedy against Seditious Sectaries.

WHEREAS an Act made in the 35th. Year of the Reign of our late Sovereign Lady the Queen Elizabeth, Entituled, *An Act to retain the Queens Majesties Subjects in their due Obedience*, hath not been put in Execution by reason of some doubt of late made whether the said Act be still in force, although it be very clear and evident, and it is hereby declared, that the said Act is still in force, and ought to be put in due execution.

2. For providing therefore of further and more speedy Remedies against the growing and dangerous practices of seditious Sectaries, and other disloyal persons, who under pretence of Tender Consciences do at their Meetings contrive Insurrections, as late Experience hath shewed :

3. Be it enacted by the Kings most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by Authority of the same; That if any person of the Age of 16 Years or upwards, being a Subject of this Realm, at any time after the first day of July, which shall be in the Year of our Lord 1664, shall be present at any Assembly, Conventicle, or Meeting, under colour or pretence of any Exercise of Religion, in other manner than is allowed by the Liturgy or Practice of the Church of *England*, in any place within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*; at which Conventicle, Meeting, or Assembly, there shall be Five Persons or more assembled together, over and above those of the same Household; then it shall and may be lawful to and for any two Justices of the Peace of the County, Limit, Division, or Liberty, wherein the Offence aforesaid shall be committed, or for the chief Magistrate of the place where such Offence aforesaid shall be committed, (if it be within a Corporation where there are not two Justices of the Peace) and they are hereby required and enjoined, upon proof to them or him respectively made of such Offence, either by Confession of the Party, or Oath of Witness or notorious Evidence of the Fact, (which Oath the said Justices of the Peace and chief Magistrate respectively, are hereby impowered and required to administer) to make a Record of every such Offence and Offences, under their Hands and Seals respectively; which Record so made as aforesaid, shall to all intents and purposes be in Law taken and adjudged to be a full and perfect Conviction of every such Offender for such Offence. And thereupon the said Justices and chief Magistrate respectively, shall commit every such Offender so convicted as aforesaid, to the Gaol or House of Correction, there to remain without Bail or Mainprize, for any time not exceeding the space of three Moneths, unless such Offender shall pay down to the Justices or chief Magistrate such Summ of Money, not exceeding 5 *l.* as the said Justices or chief Magistrate, (who are hereby thereunto authorized and required) shall fine the said Offender at, for his or her said Offence; which Money shall be paid to the Churchwardens, for the relief of the Poor of the Parish where such Offender did last inhabit.

Unlawful
Conventicles
and Meetings
under pre-
tence of Ex-
ercise of Reli-
gion forbid-
den.

The punish-
ment and
manner of
proceeding
against them
for the first
Offence.

4. And be it further enacted by the Authority aforesaid, That if such Offender so convicted as aforesaid, shall at any time again commit the like Offence contrary to this Act, and be thereof in manner aforesaid convicted, then such Offender so convicted of such second Offence shall incur the penalty of Imprisonment in the Gaol or House of Correction, for any time not exceeding six Moneths without Bail or Mainprize, unless such Offender shall pay down to the said Justices or chief Magistrate, such Summ of Money, not exceeding 10 *l.* as the said Justices or chief Magistrate (who are thereunto authorized and required as aforesaid) shall fine the said Offender at, for his or her said second Offence, the said Fine to be disposed in manner aforesaid.

Second Of-
fence.

5. And be it further enacted by the Authority aforesaid, That if any such Offender so convicted of a second offence, contrary to this Act in manner aforesaid, shall at any time again commit the like offence contrary to this Act, then any two Justices of the Peace, and chief Magistrate as aforesaid respectively, shall commit every such Offender to the Gaol or House of Correction, there to remain without Bail or Mainprize, until the next General Quarter Sessions, Assizes, Gaol-delivery, Great Sessions, or Sitting of any Commission of Oyer and Terminer in the respective County, Limit, Division, or Liberty which shall first happen, when and where every such Offender shall be proceeded against by Indictment for such

Third Of-
fence.

such Offence, and shall forthwith be arraigned upon such Indictment, and shall then plead the General Issue of Not Guilty, and give any special matter in Evidence, or confess the Indictment. And if such Offender proceeded against shall be lawfully convicted of such Offence, either by Confession or Verdict; or if such Offender shall refuse to plead the General Issue, or to confess the Indictment; then the respective Justices of the Peace at their General Quarter Sessions, Judges of Assize and Gaol-delivery, at the Assizes and Gaol-delivery, Justices of the Great Sessions at the Great Sessions, and Commissioners of Oyer and Terminer at their Sitting, are hereby enabled and required to cause Judgment to be entered against such Offender, that such Offender shall be transported beyond the Seas to any of His Majesty's Foreign Plantations, (*Virginia and New Engl. only excepted*) there to remain seven Years; and shall forthwith under their Hands and Seals make out Warrants to the Sheriff or Sheriffs of the same County where such Conviction or Refusal to plead or to confess as aforesaid shall be, safely to convey such Offender to some Port or Haven nearest or most commodious to be appointed by them respectively, and from thence to embark such Offender, to be safely transported to any of His Majesty's Plantations beyond the Seas, as shall be also by them respectively appointed, (*Virginia and New England only excepted.*) Whereupon the said Sheriff shall safely convey and embark, or cause to be conveyed or embarked, such Offender to be transported as aforesaid, under pain of forfeiting for default of so transporting every such Offender the Summ of 40 *l.* of lawful Money, the one moiety thereof to the King, and the other moiety to him or them that shall sue for the same, in any of the Kings Courts of Record, by Bill, Complaint, Action of Debt, or Information; in any of which no Wager of Law, Essoin, or Protection shall be admitted. And the said respective Court shall then also make out Warrants to the several Constables, Headboroughs, or Tythingmen of the respective places, where the Estate Real or Personal of such Offender to be transported shall happen to be, commanding them thereby to sequester into their hands the Profits of the Lands, and to distrain and sell the Goods of the Offender so to be transported, for the reimbursing of the said Sheriff, and such reasonable Charges as he shall be at, and shall be allowed him by the said respective Court for such conveying and embarking of such Offender so to be transported, rendering to the party, or his or her Assigns, the Overplus of the same if any be, unless such Offender, or some other on the behalf of such Offender so to be transported, shall give the Sheriff such Sureties as he shall approve of for the paying all the said Charges unto him.

How seditious
Sectaries be-
ing convicted
may be trans-
ported.

6. And be it further enacted by the Authority aforesaid, That in default of defraying such Charges by the parties to be transported, or some other in their behalf, or in default of Security given to the Sheriff as aforesaid; it shall and may be lawful for every such Sheriff to contract with any Master of a Ship, Merchant, or other person, for the transporting of such Offender at the best rate he can; and that in every such case it shall and may be lawful for such persons so contracting with any Sheriff for transporting such Offender as aforesaid, to detain and employ every such Offender so by them transported, as a Labourer to them or their Assigns, for the space of Five Years to all intents and purposes, as if he or she were bound by Indentures to such person for that purpose. And that the respective Sheriffs shall be allowed or paid from the King upon their respective Accounts in the Exchequer all such Charges by them expended for conveying, embarking, and transporting of such persons, which shall be allowed by the said respective Courts, from whence they received their respective Warrants, and which shall not have been by any of the ways aforementioned paid, secured, or reimbursed unto them as aforesaid.

7. Pro-

VII. *Provided always, and be it further Enacted,* That in Case the Offendor so indicted and Convicted for the said third Offence, shall pay into the hands of the Register or Clerke of the Court or Sessions where he shall be Convicted (before the said Court or Sessions shall be ended) the sum of 10 *l.* That then the said Offendor shall be discharged from Transportation, and the Judgment for the same.

How the Offendor may be discharged by a payment of 10 pound

8. *And be it further Enacted,* That the like imprisonment, Indictment, Arraignment and Proceedings, shall be against every such Offendor, as often as he shall again offend, after such third Offence, nevertheless is dischargeable and discharged by the payment of the like sum, as was paid by such Offendor for his or her said Offence next before committed together with the Additional and increased sum of 100 *l.* more upon every new Offence committed, the said respective sums to be paid as aforesaid: and to be disposed of as followeth (*viz.*) the one moiety for the Repair of the Parish-Church, or Churches, Chappel, or Chappels of such Parish within which such Conventicle, Assembly, or meeting shall be held, and the other moiety to the Repair of the High-ways of the said Parish, or Parishes (if need require) or otherwise for the amendment of such High-ways as the Justices of the Peace at their respective Quarter-Sessions shall direct and appoint. And if any Constable, Headborough, or Tythingman, shall neglect to Execute any the said Warrants made unto them for sequestering distraining and selling any of the Goods and Chattels of any Offendor against this Act, for the levying such sums of money as shall be imposed for the first or second Offence, he shall forfeit for every such neglect the sum of 5 *l.* of lawful money of *England*, the one Moiety thereof to the King, and the other Moiety to him that will sue for the same in any of the Kings Courts of Record as aforesaid. And if any person be at any time sued for putting in Execution any of the powers contained in this Act, such person shall and may plead the General Issue and give the special matter in Evidence. And if the Plaintiff be Non-suit, or a Verdict pass for the Defendant thereupon, or if the Plaintiff discontinue his Action, or if upon Demurrer Judgment be given for the Defendant, every such Defendant shall have his or their treble Costs.

Punishment of Offendor after the third Offence

How the said Penalty of 100 pound shall be disposed

Person sued for executing this Act may plead the general Issue, and recover treble Costs.

Felony to escape after Conviction, or to return after Transportation.

9. *And be it further Enacted,* That if any person against whom Judgment of Transportation shall be given in manner aforesaid, shall make escape before Transportation or being Transported as aforesaid, shall return unto this Realm of *England* Dominion of *Wales*, and Town of *Berwick upon Tweed*, without the special Licence of his Majesty, his Heirs, and Successors, in that behalf first had and obtained. That the party so escaping, or returning, shall be adjudged a Felon, and shall suffer Death, as in case of Felony without benefit of Clergy, and shall forfeit and loose to his Majesty, all his or her Goods and Chattels for ever; and shall further loose to his Majesty all his, or her Goods and Chattels, Lands, Tenements and Hereditaments, for and during the Life of such Offendor, and no longer. And that the Wife of any such Offendor by force of this Act shall not lose her Dower, nor shall any corruption of Blood grow, or be, by reason of any such Offence mentioned in this Act, but that the Heir of every such Offendor by force of this Act, shall and may after the death of such Offendor have and enjoy the Lands, Tenements and Hereditaments of such Offendors as if this Act had not been made.

10. And for better preventing of the mischiefs which may grow by such seditious and tumultuous Meetings, under pretence of Religious Worship. *Be it further Enacted by the Authority aforesaid,* That the Lieutenants, or Deputy-Lieutenants, or any Commissioned Officers of the Militia, or of his Majesties Forces, with such Troops or Companies of Militia, or of his Majesties Forces, and also the Sheriffs and Justices of Peace and other Magistrates and Ministers of Justice, or any of them jointly, or severally, within any the Counties or places within this Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, with such other Assistance as they shall think meet, or can get in readines with the soonest, on Certificate made to them respectively, under the hand and Seal of any one Justice of the Peace, or Chief Magistrate as aforesaid, of his particular information, or knowledge of such unlawful Meetings, or Conventicles, held or to be held in their respective Counties or places, and that he (with such Assistance as he can get together, is not able to suppress or dissolve the same) shall and may, and are hereby required to repair unto the place where they are so held, or to be held, and by the best means they can, to dissolve and dissipate or prevent all such unlawful Meetings; and take into their Custody, such of those persons so unlawfully Assembled, as they shall

Seditious and tumultuous Meetings and Conventicles.

judg to be the Leaders and Seducers of the rest; and such others, as they shall think fit to be proceeded against, according to Law for such their Offences.

The penalty of suffering Conventicles in private houses.
 11. *And be it Enacted by the Authority aforesaid,* That every person who shall wittingly and willingly suffer any such Conventicle, unlawful Assembly or Meeting aforesaid, to be held in his or her House, Out-house, Barn or Room, Yard or Backside, Woods or Grounds, shall incur the same Penalties and Forfeitures as any other Offendor against this Act ought to incur and be proceeded against in all points in such manner as any other Offendor against this Act ought to be proceeded against.

Coalers may not let Prisoners committed upon this Act to go at large.
The Penalty.
 12. *Provided also, and be it Enacted by the Authority aforesaid,* That if any Keeper of any Goal or House of Correction, shall suffer any person committed to his Custody for any Offence against this Act, to go at Large, contrary to the Warrant of his Commitments, according to this Act, or shall permit any Person who is at Large, to joyn with any Person Committed to his Custody, by vertue of this Act in the exercise of Religion differing from the Rites of the Church of England. Then every such Keeper of a Goal or House of Correction, shall for every such Offence, forfeit the sum of 10 l. to be levied, raised, and disposed by such persons and in such manner as the Penalties for the first and second Offences against this Act are to be Levied, Raised and disposed.

Within what time Offenders must be prosecuted.
 13. *Provided always,* That no person shall be punished for any Offence against this Act, unless such Offendor be prosecuted for the same within three Months after the offence committed; and that no person who shall be punished for any Offence by vertue of this Act shall be punished for the same Offence by vertue of any other Act or Law whatsoever.

Married women how to be punished.
 14. *Provided also and be it Enacted,* That Judgment of Transportation shall not be given against any Feme Covert unless her Husband be at the same time under the like judgment, and not discharged by the payment of money, as aforesaid; but that instead thereof she shall by the respective Court be committed to the Goal or House of Correction, there to remain without Bail or Mainprize, for any time not exceeding 12 Months, unless her Husband shall pay down such sum not exceeding 40 l. to redeem her from imprisonment, as shall be imposed by the said Court, the said sum to be disposed by such persons, and in such manner, as the Penalties for the first and second Offence against this Act are to be disposed.

How Justices of the Peace may enter into houses suspected for Conventicles.
 15. *Provided also, and be it Enacted by the Authority aforesaid,* That the Justices of the Peace, and Chief Magistrate respectively, empowered as aforesaid, to put this Act in Execution, shall and may with what Aid, Force and Assistance they shall think fit for the better Execution of this Act, after refusal or denial, enter into any House or other place, where they shall be informed any such Conventicle as aforesaid is or shall be held.

The houses of Peers.
 16. *Provided,* That no Dwelling-house of any Peer of this Realm, whilst he or his Wife shall be there Resident, shall be searched, by vertue of this Act, but by immediate Warrant from his Majesty, under his Sign Manual, or in the presence of the Lieutenant, or one of the Deputy-Lieutenants, or two Justices of the Peace, whereof one to be of the Quorum of the same County or Riding, nor shall any other Dwelling-house of any Peer or other person whatsoever, be entered into with Force by vertue of this Act, but in the presence of one Justice of the Peace or chief Magistrate respectively, except within the City of London, where it shall be lawful for any such other Dwelling-house to be entered into as aforesaid, in the presence of one Justice of the Peace, Alderman, Deputy-Alderman, or any one Commissioner for the Lieutenancy for the City of London.

What persons may not be committed to the house of Correction.
 17. *Provided also, and be it Enacted by the Authority aforesaid,* That no person shall by vertue of this Act, be committed to the House of Correction, that shall satisfy the said Justices of the Peace, or chief Magistrate respectively, that he or she (and in case of a Feme Covert that her Husband) hath an Estate of free-hold, or Copy hold, to the value of 5 l. per Annum, or personal Estate to the value of 50 l. anything in this Act to the contrary notwithstanding.

Persons served with Process refusing to take an Oath.
 18. *And in regard to certain Sect called Quakers, and other Sectaries are found not only to offend in the matters provided against by this Act, but also obstruct the proceedings of Justice, by their obstinate refusal to take Oaths lawfully tendered unto them, in the ordinary Course of Law, Therefore be it further Enacted, by the Authority aforesaid,* that if any person or persons, being duly and legally served with Process or other Summons, to appear in any Court of Record except Court

Court-Leets, as a Witness, or returned to serve of any Jury, or ordered to be examined upon Interrogatories, or being present in Court, shall refuse to take any Judicial Oath legally tendered to him, by the Judge or Judges of the same Court having no legal Plea to Justify, or excuse the refusal of the same Oath, or if any Person or Persons being duly served with Process to answer any Bill, exhibited against him or them in any Court of Equity, or any Suit in any Court Ecclesiastical shall refuse to answer such Bill or Suit upon his or their corporal Oath, in cases where the Law requires such Answer to be put in upon Oath, or being summoned to be a Witness in any such Court, or ordered to be examined upon Interrogatories shall for any Cause or Reason not allowed by Law, refuse to take such Oath, as in such Cases is required by Law, That then and in such Case the several and respective Courts wherein such refusal shall be made, shall be and are hereby enabled to Record, Enter, or Register such Refusal; which Record or Entry shall be and is hereby made a Conviction of such Offence, and all and every person, and persons, so aforesaid offending, shall for every such Offence, incur the judgment and punishment of Transportation; in such manner as is appointed by this Act for other Offences.

19. *Provided always*, That if any person or persons aforesaid, shall come into such Court, and take his or their Oath in these words.

I do swear, that I do not hold the taking of an Oath to be unlawful, nor refuse to take an Oath on that Account.

How such persons may be acquitted.

20. Which Oath, the respective Court or Courts aforesaid, are hereby Authorized, and required, forthwith to tender, administer and Register before the Entry of the Conviction aforesaid, or shall take such Oath before some Justice of the Peace, who is hereby Authorized and required to Administer the same to be returned into such Court, such Oath so made shall acquit him or them from such punishment, any thing herein to the contrary notwithstanding.

21. *Provided always*, That every person convicted as aforesaid, in Courts aforesaid (other then his Majesties Courts of Kings-Bench, or before the Justices of Assize, or General Goal-delivery) shall by Warrant containing a Certificate of such Conviction, under the Hand and Seal of the respective Judge or Judges, before whom such Conviction shall be had, be sent to some one of his Majesties Goals in the same County where such Conviction was had, there to remain without Bail or Mainprize, untill the next Assizes or General-Goal-Delivery, where, if such person so convicted, shall refuse to take the Oath aforesaid, being tendered unto him by the Justice or Justices of Assize or Goal-delivery, then such Justice, or Justices shall cause Judgment of Transportation to be executed in such manner as judgment of Transportation by this Act is to be executed; But in case such person shall take the said Oath, then he shall thereupon be discharged.

22. *Provided always, and be it Enacted by the Authority aforesaid*, That if any Peer of this Realm, shall offend against this Act, he shall pay 10 l. for the first offence, and 20 l. for the second offence, to be levied upon his Goods and Chattels by Warrant from any two Justices of the Peace, or chief Magistrate of the Place, or Division, where such Peer shall dwell; and that every Peer for the third and every further Offence against the Tenour of this Act, shall be tried by his Peers and not otherwise.

Peers offending how to be proceeded against

23. *Provided also and be it further Enacted by the Authority aforesaid*, That this Act shall continue in force for three years after the end of this present Session of Parliament, and from thence forward to the end of the next Session of Parliament, after the said three years, and no longer.

The continuance of this Act

Since this was finished, I found in the London Gazette Published Thursday April 21. 1681. this Paragraph, viz.

To undeceive the Kings Loyal Subjects, who may be misled into Error by a Pamphlet called The History of the Life and Death of 35 Eliz. These are to inform them, that that Act amongst others, was continued 1 Jac. until the end of the first Session of the next Parliament, There were four Sessions in that Parliament, the last whereof ended 7 Jac. but the Act was to continue to the first Session of the next Parliament; and though every Session to some purposes be as a several Parliament, yet it is no such Parliament which can have a first Session, and is never in Acts of Parliament styled the next Parliament. The next Parliament summoned was 12 Jac. but because nothing was done therein, it was held no Parliament. Then a Parliament was summoned 18 Jac. wherein passed only Subsidies. Granted by the Spirituality and Temporality. Hence a question arose 20 Jac. whether 35. Eliz.

35 Eliz. was not discontinued upon this ground, that 18 Jac. was a Session by passing the Subsidy Act, which being referr'd to all the Judges, nine of them were of Opinion, 35 Eliz. with the other Laws continued 1 Jac. were thereby discontinued. To prevent which mischief, The Parliament 21 Jac. not only revives 35 Eliz. and those other Laws in all 58. but Enacts that they shall be ad judged ever since the Session of Parliament 7 Jac. to have been of such Force and Effect as the same were the last day of that Session. And 'tis undoubted they all were then in force, by Virtue of 1 Jac. and the latter continuance run clear without the aid of the Declaratory Law of 16 Car. 2. And though this Conventicle Act of 16 Car. 2. be expired, yet there is another of greater Force 22 of the King yet in being.

And having therein mentioned the Act of the 22 of his Present Majesty, I thought I could not justly acquit my self of what I had undertaken (viz. impartially and fully to set down all that might any ways have Relation to this 35 Eliz. c. 1.) without giving you that Statute at Large, whereby the judicious Reader may see how far it proves the 35 Eliz. still to be in force.

Keeble St. A. 11.
Car. 2. c. 1. fol.
1361.

An Act to Prevent and Suppress Seditious Conventicles.

The Preamble
16 Car. 2. c. 4.

Conventicles, &c.
forbidden after
the Tenth of May
1670.

How the Offenders
must be
Convicted.

The Penalty for
the first Offence.
The Record and
Conviction to
be returned to
the next Quar-
ter Sessions
The Penalty for
the second offence

The Penalties
how to be levied.

FOR providing further and more speedy remedies against the growing and dangerous practises of Seditious Sectaries and other disloyal persons, who under pretence of Tender Consciences, have or may at their Meetings contrive Insurrections (as late experience hath shown) Be it Enacted by the Kings most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That if any Person of the age of 16 years or upwards, being a Subject of this Realm, at any time after the Tenth day of May next, shall be present at any Assembly, Conventicle or Meeting, under colour or pretence of any exercise of Religion in other manner then according to the Liturgy and practise of the Church of England, in any place within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, at which Conventicle, Meeting or Assembly, there shall be five Persons or more assembled together, over and besides those of the same household; if it be in a house where there is a family inhabiting, or if it be in a house, field, or place where there is no family inhabiting: Then where any five persons or more are so assembled as aforesaid, It shall and may be lawfull to and for any one or more Justices of the Peace of the County, Limit, Division, Corporation or Liberty, wherein the offence aforesaid shall be committed, or for the chief Magistrate of the Place where the offence aforesaid shall be committed. And he and they are hereby required and enjoined, upon proof to him or them respectively made of such offence, either by confession of the party, or Oath of two Witnesses (which Oath, the said Justice and Justices of the Peace and chief Magistrate respectively are hereby impowred and required to Administer) or by notorious Evidence and circumstance of the Fact, to make a Record of every such offence under his or their Hands and Seals respectively; which Record so made as aforesaid, shall to all intents and purposes be in Law taken and adjudged to be a full and perfect Conviction of every such Offender for such offence; and thereupon the said Justice, Justices, and chief Magistrate respectively, shall impose on every such Offender so Convicted as aforesaid, a Fine of 5 s. for such first Offence, which Record and Conviction shall be Certified by the said Justice, Justices, or chief Magistrate, at the next Quarter Sessions of the Peace for the County or Place where the Offence was Committed.

2. And be it further Enacted by the Authority aforesaid, That if such Offender so Convicted as aforesaid, shall at any time again commit the like Offence or Offences contrary to this Act, and be thereof in manner aforesaid Convicted: Then such offender so convict of such like offence or offences, shall for every such offence incur the penalty of 10 s. which Fine and Fines for the first, and every other offence shall be levied by distress and Sale of the Offenders Goods and Chattels; or in case of the poverty of such Offender, upon the Goods and Chattels of any other person or persons who shall then be Convicted in manner aforesaid of the like Offence at the same Conventicle, at the discretion of the said Justice, Justices or chief Magistrate respectively, so as the sum to be levied, or any one person in case of the po-

verty

erty of other Offenders amount not in the whole to above the Sum of 10 l. upon occasion of any one meeting as aforesaid, and every Constable, Headborough, Tythingman, Church-wardens, and Overseers of the Poor, respectively, are hereby authorised and required to levy the same accordingly, having first received a Warrant under the Hands and Seals of the said Justice, Justices, or chief Magistrate, respectively so to do; the said Moneys so to be levied, to be forthwith delivered to the same Justice, Justices, or chief Magistrate, and by him or them to be distributed. The one third part thereof to the use of the Kings Majesty, his Heirs and Successors, to be paid to the High-Sheriff of the County for the time being, in manner following, That is to say, the Justice or Justices of the Peace, shall pay the same into the Court of the respective Quarter Sessions, which said Court shall deliver the same to the Sheriff, and make a memorial on Record of the payment, and delivery thereof, which said memorial shall be a sufficient and final discharge to the said Justice and Justices, and a charge to the Sheriff, which said discharge and charge shall be certified into the Exchequer together, and not one without the other. And no Justice shall or may be questioned or accountable for the same in the Exchequer or else where, then in Quarter Sessions. And other third part thereof to and for the use of the Poor of the Parish where such Offence shall be Committed: And the other third part thereof to the Informer and Informers, and to such person and persons as the said Justice, Justices, or Chief Magistrate respectively shall appoint, having regard to their diligence and industry in the discovery, dispersing, and punishing of the said Conventicles.

3. And be it further Enacted by the Authority aforesaid, That every person who shall take upon him to Preach or Teach in any such Meeting, Assembly, or Conventicle, and shall thereof be Convicted as aforesaid, shall forfeit for every such first offence, the sum of 20 l. to be levied in manner aforesaid, upon his Goods and Chattels. And if the said Preacher or Teacher so Convicted be a Stranger, and his Name and Habitation not known, or is fled and cannot be found, or in the judgment of the Justice, Justices, or chief Magistrate before whom he shall be Convicted, shall be thought unable to pay the same; the said Justice, Justices, or chief Magistrate respectively are hereby impowered and required to levy the same by Warrant as aforesaid, upon the Goods and Chattels of any such persons who shall be present at the same Conventicle; Any thing in this or any other Act Law or Statute to the contrary notwithstanding. And the Money so levied, to be disposed of in manner aforesaid: And if such Offendor so convicted as aforesaid, shall at any time again commit the like offence or offences, contrary to this Act, and be thereof convicted in manner aforesaid, then such Offendor convicted of such like offence or offences, shall for every such offence incur the penalty of 40 l. to be levied and disposed as aforesaid.

4. And be it further Enacted by the Authority aforesaid, That every person who shall wittingly and willingly suffer any such Conventicle, Meeting or unlawful Assembly aforesaid, to be held in his or her House, Outhouse, Barn, Yard or Backside, and be convicted thereof in manner aforesaid, shall forfeit the sum of 20 l. to be levied in manner aforesaid upon his or her Goods and Chattels; or in case of his or her poverty or inability as aforesaid upon the Goods and Chattels of such persons who shall be convicted in manner aforesaid of being present at the same Conventicle, and the money so levied to be disposed of in manner aforesaid.

5. Provided always, And be it Enacted by the Authority aforesaid, That no person shall by any Clause of this Act, be liable to pay above 10 l. for any one Meeting in regard of the Poverty of any other person or persons.

6. Provided also, And be it further Enacted, That in all Cases of this Act where the Penalty or sum charged upon any Offender exceed the sum of 10 s. and such Offender shall find himself aggrieved, it shall and may be lawfull for him within one week after the said penalty or money charged shall be paid or levied, to appeal in writing from the person or persons convicted to the Judgment of the Justices of the Peace in their next Quarter Sessions, to whom the Justice or Justices of Peace, chief Magistrate or Alderman that first convicted such Offendor, shall return the money levied upon the Appellant, and shall certify under his and their Hands and Seals, the Evidence upon which the Conviction past, with the whole Record thereof and the said Appeal; whereupon such Offendor may plead and make defence, and have his Tryal by a Jury thereupon. And in case such Appellant shall not prosecute with effect; or if upon such Tryal he shall not be acquitted, or Judgment pass

not for him upon his said Appeal, the said Justices at the Sessions shall give treble Costs again such Offendor for his unjust Appeal; And no other Court whatsoever shall intermeddle with any Cause or Causes of Appeal upon this Act, but they shall be finally determined in the Quarter Sessions only.

Appellant to enter into a Recognizance.

7. *Provided always, And be it further Enacted,* That upon the delivery of such Appeal as aforesaid, the person or persons Appellant shall enter before the person or persons convicting into a Recognizance to present the said Appeal with effect, which said Recognizance the person or persons convicting is hereby impowred to take, and required to certify the same to the next Quarter Sessions; and in case no such Recognizance be entred into, the said Appeal to be null and void.

8. *Provided always,* That every such Appeal shall be left with the person or persons so convicting as aforesaid, at the time of the making thereof.

Justices of Peace, Constables, &c. upon refusal may break open doors.

9. *And be it further Enacted by the Authority aforesaid,* That the Justice, Justices of the Peace, and chief Magistrate respectively, or the respective Constables, Headboroughs, and Tything men, by Warrant from the said Justice, Justices, or chief Magistrate respectively, shall and may with what aid, force and assistance they shall think fit, for the better Execution of this Act, after refusal or denial to enter, break open and enter into any house, or other place, where they shall be informed any such Conventicle as aforesaid, is or shall be held; as well within Liberties as without, and take into their Custody the persons there unlawfully assembled, to the intent they may be proceeded against according to this Act. And that the Lieutenants or Deputy-Lieutenants or any Commissioned Officer of the Militia, or other of his Majesties Forces with such Troops or Companies of Horse and Foot, and also the Sheriffs and other Magistrates and Ministers of Justice, or any of them, jointly or severally within any the Counties or places within this Kingdom of England, Dominion of Wales or Town of Berwick upon Tweed, with such other assistance as they shall think meet or can get in readiness with the soonest on Certificate made to them respectively under the hand and Seal of any one Justice of Peace, or chief Magistrate of his particular information or knowledge of such unlawful Meeting or Conventicle held, or to be held in their respective Counties or places, and that he with such assistance as he can get together, is not able to suppress and dissolve the same, shall and may and are hereby required and enjoined to repair unto the place where they are so held, or to be held, and by the best means they can to dissolve, dissipate or prevent all such unlawful Meetings, and take into their Custody, such and so many of the said persons so unlawfully assembled as they shall think fit, to the intent they may be proceeded against according to this Act.

Lieutenants, & Deputy Lieutenants, and Commissioned Officers of the Militia, shall assist either with Horse or Foot,

Proviso for Peers of the Realm.

10. *Provided always,* That no dwelling House of any Peer of this Realm where he or his wife shall then be resident, shall be searched by Virtue of this Act, but by immediate warrant from his Majesty under his sign Manual, or in the presence of the Lieutenant, or one Deputy-Lieutenant or two Justices of the Peace, whereof one to be of the Quorum of the same County or Riding.

The penalty of all Justices of Peace, Constables and other Officers Civil and Military, that omit their duty in performing this Act.

11. *And be it further Enacted by the Authority aforesaid,* That if any Constable, Headborough, Tythingman, Church-warden, or Overseer of the Poor, who shall know or be credibly informed of any such Meetings or Conventicles, held within his Precincts, Parishes or Limits, and shall not give information thereof to some Justice of the Peace, or the chief Magistrate, and endeavour the Conviction of the parties, according to his Duty, but such Constable, Headborough, Tythingman, Churchwarden, Overseers of the Poor or any person lawfully called in aid of the Constable, Headborough, or Tythingman shall wilfully and wittingly omit the performance of his duty in the execution of this Act, and be thereof convicted in manner aforesaid, he shall forfeit for every such offence the sum of 5 l. to be levied upon his Goods and Chattels, and disposed in manner aforesaid. And that if any Justice of the Peace or chief Magistrate shall wilfully and wittingly omit the performance of his duty in the execution of this Act, he shall forfeit the sum of 100 l. the one moiety to the use of the Informer to be recovered by Action, Suit, Bill, or Plaint in any of his Majesties Courts at Westminster, wherein no Essoin, Protection, or Wager of Law shall lie.

All persons imprisoned that put this Act in execution.

12. *And be it further Enacted by the Authority aforesaid,* That if any person be at any time sued for putting in execution any of the Power contained in this Act, otherwise than upon Appeal allowed by this Act, such person shall and may plead the general issue and give the special matter in Evidence: and if the Plaintiff be Nonsuit, or a Verdict pass for the Defendant, or if the Plaintiff discontinue his Action,

ction, or if upon demur Judgment be given for the Defendant, every such Defendant shall have his full treble Costs.

12. *And be it further Enacted by the Authority aforesaid,* That this Act and all clauses therein contained, shall be construed most largely and beneficially for the suppressing of Conventicles, and for the justification and encouragement of all persons to be employed in the execution thereof: and that no Record, Warrant, or Mittimus to be made by vertue of this Act or any proceedings thereupon shall be reversed, avoided, or any way impeached by reason of any default in form. And in case any person offending against this Act shall be an Inhabitant in any other County or Corporation, or flee into any other County or Corporation after the offence committed, the Justice of Peace or chief Magistrate before whom he shall be convicted, as aforesaid, shall certify the same under his hand and seal to any Justice of Peace or chief Magistrate of such County or Corporation wherein the said person or persons are Inhabitants, or are fled into; which said Justice or chief Magistrate respectively is hereby authorized and required to levy the penalty or penalties in this Act mentioned, upon the Goods and Chattels of such person or persons, as fully as the said other Justice of Peace might have done in case he or they had been Inhabitants in the place where the offence was committed.

This Act to be interpreted off beneficially for the suppressing Conventicles.

14. *Provided also,* That no person shall be punished for any offence against this Act, unless such offender be prosecuted for the same within three months after the offence committed; and that no person who shall be punished for any offence by vertue of this Act, shall be punished for the same offence by vertue of any other Act or Law whatsoever.

Offenders to be prosecuted within three months after the offence.

15. *Provided, and be it further Enacted by the Authority aforesaid,* That every Alderman of London, for the time being, within the City of London and the Liberties thereof, shall have (and they and every of them are hereby empowered and required to execute) the same power and authority within London and the Liberties thereof for the examining, convicting, and punishing of all offences within this Act, committed within London and the Liberties thereof, which any Justice of Peace hath by this Act in any County of England; and shall be subject to the same penalties and punishments for not doing that which by this Act is directed to be done by any Justice of Peace in any County of England.

Aldermen within London have the same power there, as Justices of Peace elsewhere.

16. *Provided, and be it Enacted by the Authority aforesaid,* That if the person offending and convicted as aforesaid be a Feme-Covert cohabiting with her Husband, the penalty of 5 s. or 10 s. so as aforesaid incurred, shall be levied by Warrant as aforesaid, upon the Goods and Chattels of the Husband of such Feme-Covert.

Feme-Covert.

17. *Provided also,* That no Peer of this Realm shall be attached or imprisoned by vertue or force of this Act, any thing, matter, or clause therein to the contrary notwithstanding.

Peers of the Realm.

18. *Provided also,* That neither this Act nor any thing therein contained, shall extend to invalidate or avoid his Majesties Supremacy in Ecclesiastical affairs; but that his Majesty and his Heirs and Successors, may from time to time, and at all times hereafter, exercise and enjoy all Powers and Authority in Ecclesiastical affairs as fully and as amply as himself or any of his Predecessors have or might have done the same; any thing in this Act notwithstanding.

Proviso for the Kings Supremacy.

F I N I S.